

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Cyrus Andrew Sullivan

Case No.

'12-MJ-098

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 4, 2012 in the county of Multnomah in the
District of Oregon, the defendant(s) violated:

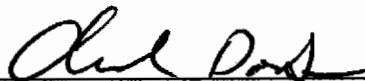
*Code Section**Offense Description*

18 U.S.C. §§ 875(c) and 2161A(2)
 (A)

Threatening communications and Internet stalking

This criminal complaint is based on these facts:

See attached affidavit which is incorporated herein by this reference.

☒ Continued on the attached sheet.*Complainant's signature*

Charles Dodsworth, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/14/2012*Judge's signature*City and state: Portland, Oregon

Patricia Sullivan, U.S. Magistrate Judge

Printed name and title

I, Charles Dodsworth, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since July 2002. I am currently assigned to the Portland Division of the FBI where I investigate computer-related crimes. I have received training in the investigation of computer, telecommunications, and other technology crimes. Since April 2007, I have been involved in the investigation of matters involving the sexual exploitation of children, including the online sexual exploitation of children, particularly as it relates to violations of Title 18, United States Code (U.S.C.), Sections 2252A and 2422. I am also part of the Portland Innocent Images National Initiative (IINI) Undercover Operation Task Force which is part of a squad that works Internet Fraud, Intellectual Property Rights, Internet Extortion, and Internet Stalking cases.

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3. The statements contained in this affidavit are based upon the following: my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of witnesses; my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Cyrus Andrew Sullivan has violated 18 U.S.C. §§ 875(c) and 2261A(2)(A).

APPLICABLE LAW

4. Title 18, U.S.C. § 875(c) provides the following:

“Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.”

5. Title 18, U.S.C. § 2261A(2)(A) provides, in relevant part, the following:

“Whoever . . . with the intent . . . to . . . harass . . . or cause substantial emotional distress to a person in another State . . . uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person . . . shall be punished as provided in section 2261(b) of this title.

Section 2261(b)(5) provides that the sentence shall be not more than 5 years.

STATEMENT OF PROBABLE CAUSE

6. On June 7, 2012, Cyrus Sullivan was arrested by the Portland Police Bureau (PPB) for alleged violations of Attempted Coercion and Coercion, as defined in Oregon Revised Statute 163.275, and also Computer Crime, as defined in Oregon Revised Statute 164.377. Sullivan is currently incarcerated in Multnomah County and is being held on \$1,000,000 bail.

7. On January 30, 2012, Amanda Kelly filed a report with PPB stating Cyrus Sullivan had created nine web sites that said Kelly was giving "oral" favors to Multnomah County Deputy District Attorney (DDA) Demer for him to prosecute crimes. Mr. Demer was at that time assigned to prosecute Sullivan in Multnomah County Circuit Court Case Number C10-03-43325 for the crimes of criminal mischief in the second degree in violation of ORS 164.354, disorderly conduct in violation of ORS 166.025, and recklessly endangering another person in violation of ORS 163.195. The information posted by Sullivan was false. Kelly said she contacted Google and they took two of the websites down. After the websites were taken down she received an e-mail from Sullivan stating he was declaring a cyber war on her.

8. On June 4, 2012, Amanda Kelly filed another report with PPB stating she believed Sullivan sent her threatening e-mails. Kelly forwarded the e-mails to PPB which stated the following:

a. The following message was sent on June 4, 2012 at 05:06 a.m. PDT from the email address webmaster@stdcarriers.com belonging to Cyrus Sullivan, to the email address kellyama99@hotmail.com belonging to Amanda Kelly:

"Amanda,

You have me angry at you and that is worse than thousands of people, especially if you have a daughter like your troll forum post claimed because you don't want her to witness what will happen to you if you or anyone else publishes that information again (see last email). You had better be very afraid because I am more cold and calculating than you. I am more cold and calculating than you because even though I am not a communist, like them I have no regard for human life other than my own. Cut your losses before you end up looking back and wishing that you had taken my warning seriously."

b. The following message was sent on June 4, 2012 at 14:46 (2:46 p.m. PDT) from the email address webmaster@stdcarriers.com belonging to Cyrus Sullivan, to the email address kellyama99@hotmail.com belonging to Amanda Kelly:

"You just don't learn your lessons do you? Now I have no choice but to come to your house armed and put an end to you once and for all. The only way you can stop this is by removing your stalker site and paying me \$10,000. You don't have a choice."

c. The following message was sent on June 4, 2012 at 18:19 (6:19 p.m. PDT) from the email address webmaster@stdcarriers.com belonging to Cyrus Sullivan, to the email address kellyama99@hotmail.com belonging to Amanda Kelly:

"You have 24 hours to comply with my demands or I will be paying you a visit. I promise that my visit will not be pleasant for you."

All of these e-mails were sent from webmaster@stdcarriers.com, and stdcarriers.com is a website operated by Sullivan as laid out in the Search Warrant affidavit of Detective Paul Dolbey, PPB, for the search of Sullivan's residence at 1236 SE 46th Avenue, Portland, Oregon. This affidavit is attached as "Exhibit 1."

9. I have reviewed the Internet Protocol addresses from the email header data associated with the first two messages referenced above (the messages sent on June 4, 2012 at 05:06 a.m. PDT and on June 4, 2012 at 2:46 p.m. PDT), and each message traveled from Oregon to email servers in Europe before returning to the hotmail.com address belonging to Amanda Kelly. The hotmail.com address belonging to Amada Kelly is hosted on email servers in the United States. The email header data associated with the messages show that the email communication traveled in interstate and foreign commerce.

10. On June 5, 2012, a person identifying themselves as Cyrus Sullivan left a voice mail on the work telephone of Geoffrey Darling, Chief Investigator with the Oregon Department of Justice, Consumer Protection Section. Darling had been

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communicating with Amanda Kelly and Cyrus Sullivan regarding the websites Sullivan controlled and information that was posted on them regarding Kelly. The message was left on June 5, 2012 at 4:57 a.m. and the transcript of the call is as follows:

"Recorded voice: To listen to your new messages, press two. To listen to your . . .

Hi Geoff, this is Cyrus Sullivan. You probably remember me from running that website. Well, it turns out, um, you were impatient with me, but it turns out that I was right and that Amanda Kelly is my stalker. I've cc'd you on multiple emails over the past twenty-four or forty-eight hours regarding her activities in which I caught her dead, red-handed, anyway. Uh, um, based on meta data, on data she submitted, she submitted to me anyway. And uh, well, I'm asking for your help here because (laughs) you're the only person that can prevent her from suffering the ultimate consequences it appears. I have some events in motion that are going to eliminate her as a threat to my company. And those events will kill her if she doesn't stop it. Uh, you know the website that I referred to where her, uh, she basically stalked my family. She changed it. I told her that I was not gonna tolerate her uh, stalking and uh, well, I told her that if she put any more information up she was gonna die. And I put events in motion that will kill her within the next twenty-four hours. You best tell her, tell her to knock it off because I finally got confirmation from Jon Groff that he actually was responsible for what took place but I cannot allow anyone to believe that they can um, you know, attack my family members just to screw up my business. So, unless she is put in handcuffs or she

agrees to capitulate within the next twenty-four hours, she is gonna die. And if you screw with me on this with the police or anything, you're gonna be targeted by my new uh, anti-government targeting system, which you know about an alert list slash government, slash law enforcement. Okay? So, you better get on the phone with her and tell her to get in line because I'm on her, on her side because of what he did but if she keeps doing what she's doing, she's gonna be dead within the next twenty-four hours. So I trust you to do the right thing. Thank you. Bye."

11. On August 11, 2009, Elisha Robinson of Burlington, Iowa submitted a complaint to the Oregon Department of Justice (ODOJ) Consumer Complaint division regarding stdcarriers.com. Robinson said someone posted information on stdcarriers.com saying she had genital herpes and contracted it through her lesbian lover. Robinson said the information was not true and could hurt her chances of getting a good job. At the time she was a full time college student and a single mother.

12. On March 12, 2012, Connie Goules of San Diego, California submitted a complaint to the ODOJ Consumer Complaint division regarding stdcarriers.com. Goules said she saw the owner of stdcarriers on Anderson Cooper's show and felt compelled to lodge a complaint against stdcarriers.com. Goules said the website provided a link to "clean up your reputation for the small sum of \$1,000."

13. On March 13, 2012, Elaine Kallas of West Linn, Oregon submitted a complaint to the ODOJ Consumer Complaint division regarding Cyrus Sullivan. Kallas said she was not a victim but also saw the Anderson Cooper daytime show and wanted to

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file a complaint thinking it must be illegal for Sullivan to charge \$1,000 to help improve a person's reputation.

14. On March 18, 2010, Mike Basciano of Poughkeepsie, New York submitted a complaint to the ODOJ Consumer Complaint division regarding stdcarriers.com. Basciano said Cyrus Sullivan runs a website known as stdcarriers.com and Sullivan accused Basciano of being a Cyber Terrorist. The website stdcarriers.com listed Basciano's name, address, pictures of his house, and a picture of himself stating he was a Cyber Terrorist and listed a bounty of \$7,000 for him. The website claims if anyone violates the Terms of Service agreement then a fee will be assessed.

15. Basciano said Sullivan posted on numerous sites he was a terrorist and there was a manhunt underway for him. Basciano feared for the safety of his mother and those living at his house and also his future. If anyone Googled his name and that information came up, it would be hard for him to get a job.

16. On April 17, 2012, Cheryl Zarski of Edmonton, Alberta submitted an online complaint that was received by the Oregon ODOJ and was regarding stdcarriers.com. Zarski said information was posted on stdcarriers.com regarding her 16 year old daughter saying she was 18 and had AIDS and other sick stuff. There was a link to her Facebook page which clearly showed her daughter was not 18.

17. On June 13, 2012 I viewed the website stdcarriers.com and it states it provides a collection of information services to online users for the purpose of preventing people from being infected with incurable diseases spread primarily through sexual

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contact. In order to report a STD carrier the user must first create an account on the website.

18. There is a hyperlink on the main page called "Legal" which then highlights five other hyperlinks. Clicking on the "Report Removal" hyperlink goes to stdcarriers.com/legal/recordremoval.aspx. This page documents a 12 step process in which the user can get their record removed from the site. At the very bottom of the page is a paragraph called "No Limit List Corporate Advocacy Program (NLLCAP)" and says the following:

"STD Carriers is now part of the No Limit List Corporate Advocacy Program (NLLCAP). NLLCAP offers a variety of options for blocking and removing your information from the web. It is the ideal solution for those that cannot for whatever reasons complete the 12 step program. NLLCAP can help you improve your online reputation by optimizing and removing STD Carrier reports from search engines. Learn more by visiting "No Limit List Corporate Advocacy Program."

19. The "No Limit List Corporate Advocacy Program" hyperlink goes to nolimitlist.com/corporate-advocacy/ and says the following:

"The No Limit List Corporate Advocacy Program (NLLCAP) with personal reputation management solutions is the most effective solution for removing negative information from search engines ever offered by a provider of

anonymous free speech friendly publishing services, NLLCAP offers a variety of services you need in affordable Bronze, Silver, and Gold Packages."

20. The regular price for the different packages from NLLCAP range from \$399.99 to \$999.99. Furthermore, there is a hyperlink under the paragraph called "Pitfalls" that states NLLCAP is not perfect and goes on to state what it can and cannot do. In general, it states NLLCAP does not remove original pages from NoLimitList.com or any partner site. NLLCAP is primarily a Search Engine Optimization (SEO) service. SEO takes time and does not work instantly. Search engine algorithms change frequently and although NLLCAP is run by qualified professionals they cannot guarantee results any more than they can change the algorithms.

21. On June 13, 2012 I used www.networksolutions.com to find the registration information for nolimitlist.com. The domain nolimitlist.com was registered with INTERNET.BS CORP and had the Domain Name System (DNS) servers as ns1.sullivanbiztech.com and ns2.sullivanbiztech.com. These are the same DNS servers listed for stdcarriers.com which is also registered with INTERNET.BS CORP.

22. On June 7, 2012, Cyrus Sullivan was arrested by PPD detectives for coercion, identity theft and felony computer crime. On June 13, 2012 I viewed a videotaped recording of Cyrus Sullivan being interviewed by PPB Detectives upon being arrested on June 7, 2012. Sullivan was advised of his Miranda rights which he acknowledged he understood, and he stated he was willing to talk with the PPB Detectives. During this interview Sullivan said he owned and operated the website

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stdcarriers.com, nolimitlist and sullivanbiztech. When asked about the voice mail he left Geoffrey Darling, Sullivan said he was off his medication at the time and couldn't recall leaving a specific voice mail. When asked if he had threatened Amanda Kelly, Sullivan said, "I don't recall."

23. During a search of Sullivan's residence on June 7, 2012, PPB detectives seized a variety of evidence pertaining to the charges of coercion, identity theft and felony computer crime. This evidence included over 200 compact discs, five computers, three cellular telephones, an external hard drive, and an Xbox 360, all of which may contain evidence of the charged crimes. This evidence has not yet been reviewed by forensic personnel.

24. On June 8, 2012, Multnomah County Circuit Judge Jean Kerr Maurer ordered that Sullivan be detained on \$1,000,000 bail due to the danger he posed to the community and to his victims and, should he be released, to insure his appearance on the charges pending in Multnomah County Circuit Court. On June 11, 2012, Sullivan was indicted by a Multnomah County grand jury for two counts of coercion, two counts of computer crime, and one count of identity theft.

25. I believe that Cyrus Sullivan owns and operates stdcarriers.com for the purpose of creating revenue through nolimitlist.com. It appears to be a business model designed to cause people to be harassed and to incur substantial emotional distress through false and/or malicious postings on stdcarriers.com. This business model is then designed to derive revenue from the victims of the scheme – those who have had false

and/or malicious information posted about them on stdcarriers.com - by enticing them to pay a fee through nolimitlist.com to have their information removed from the Internet. Both stdcarriers.com and nolimitlist.com are sites are registered with the same company called INTERNET.BS CORP and both of them have the same DNS servers. Both companies are owned and operated by Cyrus Sullivan.

26. The representations by Sullivan on nolimitlist.com about packages from NLLCAP to remove information from the Internet have likely caused people to believe their information will actually be removed from the Internet. However, as stated in the "Pitfalls" section, it is merely a Search Engine Optimization and does not actually remove any content from the Internet.

27. I have reviewed a computerized criminal history for Sullivan which shows that he has been convicted of the following crimes:

- a. recklessly endangering in Lane County Circuit Court in Eugene, Oregon on November 13, 2007 in Case Number 200713499 for which he was sentenced to serve an 18 month term of probation;
- b. harassment in Benton County Circuit Court in Corvallis, Oregon on August 25, 2005 in Case Number CM0520478 for which he was sentenced to serve ten days in jail;
- c. assaulting a public safety officer (two counts) in Multnomah County Circuit Court in Portland, Oregon on February 27, 2004 in Case Number

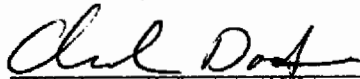
031035094 for which he was sentenced to serve a three year term of probation;
and

d. criminal mischief in the second degree (two counts) in Benton
County Circuit Court in Corvallis, Oregon on August 29, 2003 in Case Number
V0300068 for which he was sentenced to pay a \$295 fine.

CONCLUSION

28. Based on the foregoing information, I have probable cause to believe that
Cyrus Andrew Sullivan has violated both 18 U.S.C. § 875(c) by making threatening
communications and 18 U.S.C. § 2161A(2)(A) by engaging in conduct that constitutes
Internet stalking. I therefore request that the court issue a criminal complaint charging
Sullivan with these offenses, and a warrant for his arrest.

29. This affidavit and the requested criminal complaint were reviewed by
Assistant United States Attorney Sean Hoar prior to being presented to the court. AUSA
Hoar informed me that, in his opinion, the affidavit sets forth adequate probable cause to
support the issuance of the requested criminal complaint and arrest warrant.



CHARLES DODSWORTH
Special Agent
Federal Bureau of Investigation

Subscribed to before me this 15th of June, 2012.



THE HONORABLE PATRICIA SULLIVAN
United States Magistrate Judge

COUNTY OF MULTNOMAH

**AFFIDAVIT FOR
SEARCH WARRANT**

That I am seeking a search warrant for: the person of CYRUS ANDREW SULLIVAN, a white male with the date of birth of June 26th, 1983 and the residence at 1236 SE 46th Avenue, Portland, Oregon;

That on January 30th, 2012, AMANDA KELLY filed a police report with Officer Stuart Palmiter, DPSST #27244, with the Portland Police Bureau, stating she was the victim of harassment and theft by a person named CYRUS ANDREW SULLIVAN, a white male with the date of birth of June 26th, 1983. This investigation was assigned PPB Case Number 12-8588. In

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3 my review of the official signed police report by Officer Palmiter, I learned the following:

4 AMANDA KELLY stated she had learned CYRUS SULLIVAN had created at least nine web
5 sites stating she was providing "oral" favors to a member of the Multnomah County District
6 Attorney's Office in order to ensure prosecution against CYRUS SULLIVAN. After AMANDA
7 KELLY contacted Google and had two of the web sites taken down, she received an e-mail from
8 CYRUS SULLIVAN in which he stated he was declaring a "cyberwar" on her for her actions;

9
10 That on February 1st, 2012, AMANDA KELLY filed a police report with Officer Patrick
11 Mawdsley, DPSST #46428, with the Portland Police Bureau, stating she was still being harassed
12 by CYRUS SULLIVAN and was now in fear for her life. This investigation was assigned PPB
13 Case Number 12-9486. In my review of the official signed police report by Officer Mawdsley, I
14 learned the following: AMANDA KELLY stated she has been harassed by CYRUS
15 SULLIVAN for the last five years and she has been "back and forth" in the court system in an
16 attempt to resolve the harassment, which occurs via the internet. AMANDA KELLY provided
17 an example where CYRUS SULLIVAN posted nude photographs of her on numerous websites.
18 AMANDA KELLY said she has recently learned CYRUS SULLIVAN has created ten new
19 websites in the previous nine days, and the content included her contact information. AMANDA
20 KELLY expressed fear CYRUS SULLIVAN was attempting to learn her physical address in
21 order to cause her physical harm;

22
23 That on June 4th, 2012, AMANDA KELLY filed a police report with Officer Jamin
24 Becker, DPSST #49504, with the Portland Police Bureau, stating she was still being harassed by
25 CYRUS SULLIVAN and she had received specific threats from him. Officer Becker
26 documented this on a report that was also assigned to PPB Case Number 12-9486. In my review

- EXHIBIT 1 -

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of the official signed police report by Officer Becker, I learned the following: AMANDA KELLY stated CYRUS SULLIVAN is still engaged in a "cyberwar" and he had sent her an email that morning at 0506 hours, stating the following: "Amanda, You have me angry at you and that is worse than thousands of people, especially if you have a daughter like your troll forum post claimed because you don't want her to witness what will happen to you if you or anyone else publishes that information again (see last email). You had better be very afraid because I am more cold and calculating than you. I am more cold and calculating than you because even though I am not a communist, like them I have no regard for human life other than my own. Cut your losses before you end up looking back and wishing that you had taken my warning seriously." AMANDA KELLY received a second email from CYRUS SULLIVAN on June 4th, 2012, at 1446 hours, stating the following: "You just don't learn your lesson do you? Now I have no choice but to come to your house armed and put an end to you once and for all. The only way you can stop this is by removing your stalker site and paying me \$10,000. You don't have a choice." AMANDA KELLY received a third email from CYRUS SULLIVAN on June 4th, 2012, at 1819 hours, stating the following: "You have 24 hours to comply with my demands or I will be paying you a visit. I promise that my visit will not be pleasant for you.";

I know that Cyrus Sullivan owns and operates the website stdcarriers.com, because of the following:

On the internet there are multiple websites that provide a free service where you can enter a website name and the website will provide registration information details about that particular website. This information can include name of the person or organization that registered the website, the date of the registration, and names and point of contacts for administrative and

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technical contacts for the website. This is called a "who is" query. A registrant of a website controls the website. Some of the registration information can be intentionally hidden, or made private and not displayed, for a fee. A registrant may legitimately choose to do this to avoid having spam, or other unwanted contact, sent to the listed information. In order for a website to display in a user's internet browser when the user types in a website name (such as cnn.com), the registrant must register at least two domain name servers. There are two DNS incase one fails. A website is a domain, and instead of requiring internet users to remember a 12 digit IP number to enter to get a particular website to appear in their browser, the internet is designed so that common names can be entered instead, such as cnn.com. A domain name server (DNS) is analogous to phone directories for telephones. A DNS maintains a directory of domain names and their matching IP addresses. This information allows other computers to know where to go to find a particular website, to find the domain name and then the corresponding IP address. The DNS matches the actual IP address for a website to the domain name. The information from all the domain name servers across the entire internet is gathered into a few central registries. Computer networks across the world check in with the appropriate central registry on a regular basis to get updates so they will know information about particular domains and where to find your domain name or your website if you have one. Without a domain name server and the information it provides, computers wouldn't know where to find any website. Therefore, a DNS for any website must be public in order for that website to public.

I know from research that the company Network Solutions Inc. was the first and original company that registered internet domain names over 20 years ago. They are currently owned by Web.com Group, Inc.), a publicly traded company on Nasdaq with the ticker symbol WWW. When I used the "who-is" service provided by their internet website www.networksolutions.com,

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basically stalked my family. She changed it. I told her that I was not gonna tolerate her uh, stalking and uh, well, I told her that if she put any more information up she was gonna die. And I put events in motion that will kill her within the next twenty-four hours. You best tell her, tell her to knock it off because I finally got confirmation from Jon Groff that he actually was responsible for what took place but I cannot allow anyone to believe that they can um, you know, attack my family members just to screw up my business. So, unless she is put in handcuffs or she agrees to capitulate within the next twenty-four hours, she is gonna die. And if you screw with me on this with the police or anything, you're gonna be targeted by my new uh, anti-government targeting system, which you know about an alert list slash government, slash law enforcement. Okay? So, you better get on the phone with her and tell her to get in line because I'm on her, on her side because of what he did but if she keeps doing what she's doing, she's gonna be dead within the next twenty-four hours. So I trust you to do the right thing. Thank you. Bye.

On June 7, 2012, I personally spoke with Multnomah County Deputy Todd Shanks who told me he had spoken to CYRUS ANDREW SULLIVAN's mother, PATRICIA JANE SULLIVAN, a white female with the date of birth of 013151, who resides at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon. Deputy Shanks told me he had spoken with PATRICIA JANE SULLIVAN during mid May of 2012, regarding the location of her son, CYRUS ANDREW SULLIVAN. Deputy Shanks told me PATRICIA JANE SULLIVAN told him that her son, CYRUS ANDREW SULLIVAN resides in her home located

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3 at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon. Deputy
4 Shanks then told me he relayed to PATRICIA JANE SULLIVAN that CYRUS ANDREW
5 SULLIVAN had an outstanding warrant for his arrest. Deputy Shanks told me PATRICIA
6 JANE SULLIVAN told him that she would speak to CYRUS ANDREW SULLIVAN and
7 convince him to turn himself in.
8

9 On June 7, 2012, I called Multnomah County Deputy Czmowski, who was working as
10 the Multnomah County Detention Center Intake Deputy, and I asked her if CYRUS ANDREW
11 SULLIVAN had turned himself in on an outstanding warrant in the recent past. Deputy
12 Czmowski confirmed that CYRUS ANDREW SULLIVAN had turned himself into the
13 Multnomah County Detention Center on May 18, 2012, and was later released on that same day.
14 Deputy Czmowski also confirmed that CYRUS ANDREW SULLIVAN listed his address as
15 1236 SE 46th Avenue, Portland, Oregon, on the same date that he turned himself in.
16

17 I know from speaking with Detective Ken Wohe, of the Multnomah County Sheriffs
18 Office, that on June 7, 2012, about 8:00 PM, he observed SULLIVAN exiting the home at 1236
19 SE 46th Avenue.
20

21 That I did a search of the Oregon Department of Motor Vehicle (DMV) records,
22 and learned the following: CYRUS ANDREW SULLIVAN is a male with the birth date of June
23 26th, 1983, has an assigned Oregon Driver's License (ODL) Number of 8219930, and lists an
24 address at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon;
25

26 That I did a search of the Portland Police Database System (PPDS) records, and learned

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the following: CYRUS ANDREW SULLIVAN is a male with the birth date of June 26th, 1983, has an assigned Oregon Driver's License (ODL) Number of 8219930, has an assigned Oregon State Identification (SID) Number of 14614243, and lists an address, as of March 10th, 2012, at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon;

That I personally observed the residence at 1236 SE 46th Avenue and it is described as follows: 1236 SE 46th Avenue is a single-family two-story residence located at the southeast corner of SE 46th Avenue and SE Salmon Court. The house is white in color with white trim. The front of the house faces to the west. A set of stairs from SE 46th Avenue leads up to a walkway which leads to a second set of stairs leading up to the front porch the front door. The front door is dark blue in color and faces to the west. The numbers "1236" are individually mounted above the front door and are painted white. I know the residence identified as 1236 SE 46th Avenue is located within the City of Portland, County of Multnomah, and State of Oregon;

That I know, based on my training and experience, an electronic device, such as a computer or cell phone, is needed to access the internet, as well as a functioning internet connection. I also know the electronic device is most likely retained, or otherwise in the possession of at all times, by the person accessing the internet. I am also aware it is possible to use electronic devices accessible to the general public, such as those located within a public library, internet café, or other location open to the public, in order to access the internet. In this case, I believe it likely the electronic device used by CYRUS ANDREW SULLIVAN is most likely personally owned, or is otherwise within his control at all times, based on the times he accessed the internet in order to post the emails received by AMANDA KELLY. I am also aware it is possible to use an internet connection available to the public, such as an open wireless

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network, to access the internet, however I also believe it is likely CYRUS ANDREW SULLIVAN accessed the internet within, or very close in proximity to, his residence at 1236 SE 46th Avenue, also based on the times he accessed the internet in order to post the emails received by AMANDA KELLY;

That I know, based on my training and experience, with the advancements in electronic storage of files on remote servers it is possible to find references to files on the computer that are not physically located on the computer. This can be seen in the case of e-mails. With more people using web based e-mail and web based storage for their documents, it is prudent to follow the leads from the physical hard drive to the web based storage to gain these documents. Examples of the web based e-mail are AOL mail, Yahoo mail, MSN mail, Hotmail and Gmail (Google e-mail). In some cases this information can be obtained through the use of a clone (exact copy) of the original hard drive booted up in the original computer. A clone drive is created with the use of specialized software or hardware that exactly duplicates the original drive. This is done so that the original drive is never compromised by being booted after it is in the hands of a trained investigator;

That I also know, based on my training and experience, evidence on a computer or electronic communication device of the drafting, saving, and sending of emails can be accessed on the computer or device years after the actual processing of the email, because operating systems and applications keep track of that kind of data;

That any computer or computer systems, as defined in this affidavit, found at 1236 SE 46th Avenue, will not be searched in any manner while the agents are at 1236 SE 46th Avenue.

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Rather, with the assistance of the Northwest Regional Computer Forensics Laboratory (RCFL), any computers or computer systems or storage media found at 1236 SE 46th Avenue will be seized, transported from the scene, imaged at the RCFL, and examined. This procedure is justified for two reasons. First, as set forth above, there is sufficient probable cause to show the Court that communication devices, computer and computer systems contain evidence of the commission of a criminal offense; and second;

That I know from my training and experience searching cell phones, computers and computer systems is a highly technical process that requires specific expertise, equipment and software. There are a multitude of different types of computers manufactured today, many of which use proprietary hardware and software during the creation of any user data. It is impracticable for the law enforcement community to have all the proper adapters, cables, cords and other hardware devices necessary to consistently link law enforcement forensic equipment with all known and unknown computer systems on an immediate basis while searching "on-site". Much of this specialized equipment is available, but may need to be acquired in order to conduct a proper forensic examination;

That I know from my training and experience there are literally thousands of different software programs which can be commercially purchased and installed on a user's computer system. As computer security has become an ever-increasing priority to many consumers, much of today's commercially available software is developed for, or provides, data security and encryption which makes it difficult to afford an accurate representation of any digital evidence confronted with on-site. Moreover, it is not feasible for a Computer Forensic Examiner (CFE), to be familiar with every software program, past or present, now commercially available. It may

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be necessary for a CFE to train with a particular type of software in order to understand the capabilities of that software;

That, in order to safeguard the integrity of a computer forensic examination, it is imperative the CFE first make a complete image of the original digital device evidence before conducting a forensic examination. The CFE must ensure that any images made are forensically sound and that these forensic images can be fully restored, if necessary. There are numerous pitfalls that can seriously hamper the integrity of the imaging process while on-site. For example, to make a forensically sound image of targeted original digital evidence, the CFE must ensure that there is an adequate uninterruptible power supply. Digital evidence is extremely fragile and susceptible to power interruptions or power surges. It is not always practical for a CFE to bring backup power supplies into the field;

That additionally, it may be necessary for the CFE to have unrestricted access to the original digital evidence during the course and scope of the forensic examination. There are numerous operating systems now being used by consumers. Some of these operating systems include, but are not limited to, DOS, Windows 3x, Windows9x, Windows NT, Windows 2000, Windows XP, Windows Vista, Macintosh OS in OS-X and Leopard, Linux, Unix, Novell and PICK. These operating systems use different file structures, different partition formatting and different file commands. Moreover, many of these operating systems are "hardware" specific. This means that a restored image of original digital evidence may not be "bootable" or "viewable" without the actual original hardware. This would prevent the CFE from viewing the restored digital image in a manner consistent with the structure of the original digital evidence. This problem is especially acute when dealing with operating systems like Linux, Unix,

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Macintosh and Novell;

That I know from my training and experience these problems are accentuated by the fact that it is possible for a user to have two or more different operating systems on the same piece of original digital evidence. This severely hampers the CFE's ability to image this type of original digital evidence on-site due to certain software limitations. This type of problem generally requires that the imaging process take place in a controlled environment, such as the Northwest Regional Computer Forensics Laboratory (RCFL). Once this procedure is completed, a CFE can then safely conduct most types of requested examination using this newly created "image" file without fear of damaging, destroying, adding or altering any files or operating system components of the original digital evidence;

That I know from my training and experience it is also very difficult in today's computer environment to "search" for specific data while on-site. To conduct any type of digital "search" without using a forensically created image predisposes multiple forensic problems. It may literally take hours, if not days, to appropriately search a medium to large size hard drive for any desired data. For example, a search for the word "kill" during a homicide investigation could find thousands of positive hits, due to the fact that while a subject may have in fact wanted to kill the victim, the term "kill" is also a valid computer command related to the ending of an otherwise innocuous computer process;

That I know from my training and experience computers can be difficult to examine even if no serious effort is used to conceal or protect its digital contents. A complete forensic search is not limited to examining files normally displayed by the operating system. It also includes the

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expansion of compressed data and the recovery of deleted file data. It involves the areas on a computer hard drive that the computer system recognizes as being "in use" and those areas that the computer system deems "available for use". This search may involve an examination of "slack" space, which is the information at the end of a sector or cluster beyond the end of the "current" usage. Finally, the complete examination would address "orphaned" data, portions of files left behind by earlier operating system activity. All of these areas require operating specific tools and techniques to access the data;

That I know from my training and experience it is also very easy for a computer user to conceal data or other types of digital evidence through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension "jpg" are digital image files. A moderately sophisticated computer user, however, can easily change the "jpg" file extension to "txt" or "dll" in order to conceal or mislead law enforcement into thinking the digital image is actually a text or system file. While it may be possible for a CFE to notice this during a properly controlled forensic examination, it is difficult for that same CFE to detect this concealment during an on-site examination. For example, the Windows 9x Operating System, installed right out of the box, would itself contain over 20,000 different system files. A devious user could then alter any improper files so as to make them appear to be legitimate files;

That I know from my training and experience the problems noted above are compounded by the fact that the volume of data stored on a typical computer system is so large that it would be unrealistic to search for a specific data while conducting an on-site examination. For example, a single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000

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3 double-spaced pages of text. Computer hard drives are now capable of storing more than one (1)
4 terabyte of data and are commonplace in a new desktop computer. Cell phone cameras are now
5 capable of having many megabytes of storage space inside the phone with some phones capable
6 of external memory storage as high as one gigabyte;

7
8 That I know from my training and experience additional problems are created by the
9 growing use of destructive programs or "booby traps." These programs can destroy or alter data
10 if certain forensic procedures are not scrupulously followed. Since digital evidence is
11 particularly vulnerable to inadvertent or intentional modification or destruction, a controlled
12 environment, such as the Northwest Regional Computer Forensics Laboratory (RCFL), is
13 essential to conducting a complete and accurate examination of any digital evidence. This
14 problem mandates that all examinations need to take place using only a forensic image of the
15 original digital evidence;

16
17 That I know from my training and experience there is also a growing use of military-
18 grade encryption by consumer and commercial computer users. These encryption programs,
19 which are low or no cost, are widely available and allow users to encrypt specific data with just a
20 few keystrokes. These encryption problems are accentuated by other newer technologies, like
21 steganography, which allows a user to conceal information within other files. It is difficult to
22 detect the use of this technology without a proper forensic examination and the ability to look at
23 the entire image of the subject digital evidence;

24
25 That based on the above information, I have probable cause to believe between the
26 months of January of 2012 and June of 2012, CYRUS ANDREW SULLIVAN committed the

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crimes of Attempted Coercion and Coercion, as defined in Oregon Revised Statute 163.275, and also Computer Crime, as defined in Oregon Revised Statute 164.377, and that evidence of these crimes will be found inside 1236 SE 46th Avenue, City of Portland, County of Multnomah, State of Oregon, on his person, and inside areas under his control;

That I therefore request a search warrant be issued for the search and seizure of:

1. The person of CYRUS ANDREW SULLIVAN, a white male with a date of birth of June 26th, 1983, and an assigned Oregon SID number of 14614243; and
2. The residence, including the curtilage and any closed containers therein, located at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon;

And authorizing me, and/or my agent or designee, to search:

For evidence of the crime of Attempted Coercion, Coercion, and Computer Crime, including: any and all cell phones, computers, hard drives, floppy disks, compact disks (CD's) containing data files, digital video disks (DVD's) containing data files, thumb drives, software, evidence of residence for CYRUS ANDREW SULLIVAN, any and all paperwork, documents, mail, photographs and/or other items belonging to AMANDA KELLY;

I further request I be allowed to seek the assistance of a Computer Forensic Examiner (CFE) from the Northwest Regional Computer Forensics Laboratory (RCFL), located at 1201 NE Lloyd Boulevard, Suite 600, City of Portland, County of Multnomah, State of Oregon for a

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

You are hereby commanded to search the following: the person of CYRUS ANDREW SULLIVAN, a white male with a date of birth of June 26th, 1983, and an assigned Oregon SID Number of 14614243; and the residence, including the curtilage and any closed containers therein, located at 1236 SE 46th Avenue, City of Portland, County of Multnomah, and State of Oregon;

And to search for evidence of the crime of Coercion, including: any and all cell phones, computers, hard drives, floppy disks, compact disks (CD's) containing data files, digital video disks (DVD's) containing data files, thumb drives, software, evidence of residence for CYRUS ANDREW SULLIVAN, any and all paperwork, documents, mail, photographs and/or other items belonging to AMANDA KELLY;

And to seize the aforesaid objects of the search; and

You, and/or your agent or designee, are further authorized to seek the assistance of a Computer Forensic Examiner (CFE) from the Northwest Regional Computer Forensics Laboratory (RCFL), located at 1201 NE Lloyd Boulevard, Suite 600, City of Portland, County of Multnomah, State of Oregon for a proper forensic examination including imaging and searching,

1 should it be necessary.

2

3 You are further directed to make return of this warrant to me within five (5) days after
4 execution thereof.

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6 ISSUED over my hand on June 7, 2012 at 10⁴⁰ a.m. (p.m.)

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Frank Maurer
Signature of Magistrate

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Judge
Title of Magistrate

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